

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John J. Timar on June 3, 2009.

The application has been amended as follows:

Claims 1-5, 10-19, 22-24 and 26-27 have been canceled.

In claim 6, at line 1 the phrase "computer-readable medium" has been deleted and has been replaced with the phrase "computer-readable storage medium".

2. The following is an examiner's statement of reasons for allowance:

With the respect to the allowability of the claims 6-9, 20-21 and 25 in view of the prior art of record, please see the BPAI Decision dated May 21, 2009.

The Examiners amendment to claim 6, which effectively adds the phrase "computer-readable storage medium", was agreed upon to clarify that the claimed invention excludes non-statutory storage mediums such as propagation mediums which are not statutory under 35 USC 101 (see page 5 of the applicant's specification).

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [8am/4:30pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689